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*Additional class counsel appear
 on signature page.*

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI BOYKIN,
 VALERIE BROWN, RICK GONZALES,
 CYNTHIA GUERRERO, RACHEL
 HUTCHINS, TYRONE MERRITT, KELVIN
 SMITH, SR., and KEN STEVENSON, on
 behalf of themselves and all others similarly
 situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,
 Defendant.

Case Nos. C03-02659 SI; C03-02878 SI

CLASS ACTION

STIPULATION AND [PROPOSED]
 ORDER ALLOWING DEFENDANT'S
 MOTION IN LIMINE NO. 8, PLAINTIFFS'
 OPPOSITION TO THAT MOTION, AND
 PLAINTIFFS' SUPPORTING PRESTEL
 DECLARATION TO BE FILED UNDER
SEAL

1 WHEREAS on November 9, 2006, the parties submitted a stipulation and [proposed]
2 order providing that certain materials produced by plaintiffs to defendant FedEx Express
3 ("FedEx") should be treated as proprietary and confidential and viewed or considered only by
4 FedEx counsel and its experts Drs. Campion and Tetlock, *see* Docket No. 519;

5 WHEREAS on November 9, 2006, the Court approved the parties' stipulation and signed
6 the proposed order, *see* Docket No. 520;

7 WHEREAS the materials covered by the Court's Order include the following: "Editorial
8 correspondence relating to the submission for possible publication of the Poehlman IAT meta-
9 analysis, including, but not limited to, referee reports, reviews, and letters from editors";

10 WHEREAS FedEx has filed a motion *in limine* that relies on and quotes from
11 confidential "[e]ditorial correspondence" covered by the Court's November 9, 2006 Order (*see*
12 Docket No. 609, Defendant's Motion in Limine No. 8 (To Exclude Testimony Based on the
13 Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT));

14 WHEREAS plaintiffs intend to discuss and quote from confidential correspondence
15 covered by the Court's November 9, 2006 Order in their opposition brief due February 2, 2007;

16 WHEREAS plaintiffs also intend to attach some of the confidential correspondence as
17 exhibits to a declaration in support of their February 2 opposition brief;

18 WHEREAS the only way to abide by the parties' November 9, 2006 stipulation and the
19 Court's November 9, 2006 Order is to file documents containing the confidential correspondence
20 under seal;

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1 THEREFORE, the parties, by and through their counsel, stipulate and request that

2 1. Defendant's Motion in Limine No. 8 (To Exclude Testimony Based on the
3 Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT) be removed
4 from the publicly available file and placed under seal pursuant to Local Rule 79-5 and this
5 Court's November 9, 2006 Order.

6 2. Plaintiffs' Opposition to FedEx's Motion *In Limine* No. 8 (To Exclude Testimony
7 Based on the Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT),
8 and the supporting Declaration of Claire Prestel, submitted February 2, 2007, may be filed under
9 seal pursuant to Local Rule 79-5 and this Court's November 9, 2006 Order.

10
11 Dated: February 2, 2007

ALTSHULER BERZON LLP


Claire Prestel

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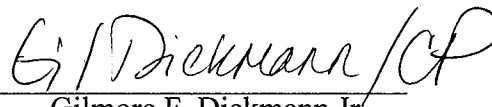
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DATED: February 2, 2007

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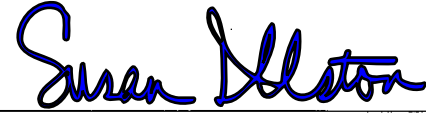
Counsel for Defendant

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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

DATED: _____



Hon. Susan Illston
United States District Judge